

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, and JESSIE D.  
PAYNE,

Plaintiffs,

vs.

JESSIE L. FULLER, KIMBERLY FULLER,  
EDWARD R. VALENCIA, an individual,  
HARMS FARM TRUCKING, INC.,  
NATIONAL AMERICAN INSURANCE  
COMPANY, BRYAN HEALTH,  
NEUROLOGY ASSOCIATES, P.C.,  
SYLVIA M. BURWELL, Secretary of the  
United States Department of Health and  
Human Services, and EDWARD R.  
VALENCIA, Personal Representative of  
the Estate of Deyanne J. Valencia,

Defendants.

8:15CV416

**MEMORANDUM AND ORDER**

This matter is before the court on defendants' Motion for Remand, [Filing No. 16](#), to the District Court of Thayer County. This case concerns a car accident that occurred in Thayer County, Nebraska in 2013. The case was removed from the District Court of Thayer County, Nebraska by interpleader defendant Sylvia M. Burwell, in her official capacity as Secretary of the United States Department of Health and Human Services ("the Secretary"), with jurisdiction premised on [28 U.S.C. § 1442](#). See [Filing No. 1](#), Notice of Removal. The Secretary filed a subsequent Disclaimer, [Filing No. 15](#), in which the Secretary renounced, "for purposes of this action only, any interest in the funds described in Plaintiffs' Complaint in Interpleader." *Id.* Plaintiffs offer no objection to remand. See [Filing No. 17](#), Brief in Response to Defendants' Motion for Remand.

Pursuant to [28 U.S.C. § 1367](#), the court, in its discretion, declines to exercise supplemental jurisdiction over the remaining claims. Having carefully reviewed the filings in this matter, the court grants defendants' motion for remand.

THEREFORE, IT IS ORDERED THAT:

1. Defendants' motion to remand, [Filing No. 16](#), is granted.
2. The case is remanded to the District Court of Thayer County, for the State of Nebraska. The clerk's office is directed to mail a certified copy of this memorandum and order of remand to the clerk of the State court.

Dated this 11th day of April, 2016

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge